

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 13-04**

**IN RE: GEORGE “DOUG” BEGLEY
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER
Initiation of Administrative Proceeding
And Formal Complaint**

The Executive Branch Ethics Commission (the “Commission”), upon its own motion, initiated a preliminary investigation of George “Doug” Begley (the “Respondent” or “Begley”), pursuant to KRS 11A.080(1), on January 30, 2012, expanded on May 14, 2012.

At all relevant times the Respondent was a “public servant” as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether it has sufficient probable cause to believe the Respondent violated provisions of KRS Chapter 11A, the Executive Branch Code of Ethics (also referred to herein as the “Ethics Code”).

The Commission focused its investigation upon the Respondent’s possible violation of the Ethics Code by influencing a public agency in derogation of the state at large; using his official position or office to obtain financial gain for himself; using his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest; failing to avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest; and failing to notify his appointing authority of his outside employment.

The Commission notified the Respondent of the preliminary investigation by letter dated February 2, 2012, and of the expanded investigation on May 17, 2012. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on March 18, 2013, to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

IT IS THEREFORE ORDERED that:

1. The Respondent shall file his answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.
2. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that he committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.
3. A Hearing Officer will be appointed.
4. The Commission is represented by Kathryn H. Gabhart, General Counsel, and John R. Steffen, Executive Director. They may be contacted through the Commission's office at (502) 564-7954.
5. All original material plus one copy shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601.
6. Once a Hearing Officer is appointed, a copy of all materials shall be served on

the designated Hearing Officer as well.

7. The Respondent has the right to legal counsel during this proceeding. If the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.

8. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence that will be used at the hearing and any exculpatory information in the Commission's possession.

9. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.

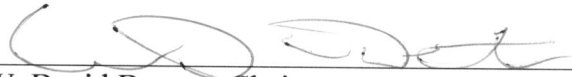
10. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

11. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.

12. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 18th day of March 2013.


EXECUTIVE BRANCH ETHICS COMMISSION:



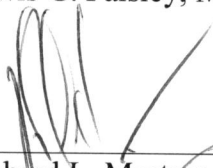
W. David Denton, Chair



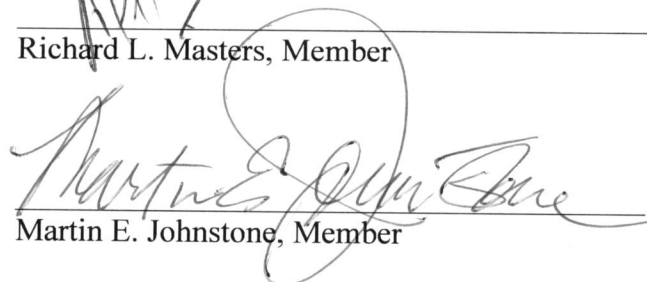
William G. Francis, Vice-Chair



Lewis G. Paisley, Member



Richard L. Masters, Member



Martin E. Johnstone, Member

**APPENDIX A
CASE NO. 13-04
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, George “Doug” Begley, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Agriculture. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that George “Doug” Begley committed the following violations:

COUNT I

George “Doug” Begley, during his course of employment as Agricultural Inspector I, Office of Consumer and Environmental Protection, Department of Agriculture, used or attempted to use any means to influence a public agency in derogation of the state at large, used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, during the course of his employment with the Department, Begley was assigned the duties of inspecting amusement rides, for which he was given a weekly itinerary. While Begley consistently failed to perform these inspections, he nevertheless claimed work time on his timesheets for time spent allegedly performing the inspections. In doing so, Begley collected pay for time he falsely reported on his timesheets and, further, failed to fulfill his assigned job duties while receiving compensation.

These facts constitute violations of KRS 11A.020(1)(b), (c), and (d).

KRS 11A.020(1)(b)(c) and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:

- (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
- (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
- (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

COUNT II

George “Doug” Begley, during his course of employment as Agricultural Inspector I, Office of Consumer and Environmental Protection, Department of Agriculture, used or attempted to use any means to influence a public agency in derogation of the state at large, used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, during the course of his employment with the Department, Begley used his assigned state vehicle on days that he did not claim work time and did not perform any work-related activities for the Department. In doing so, Begley abused a state resource that was assigned to him for his own personal benefit.

These facts constitute violations of KRS 11A.020(1)(b), (c), and (d).

KRS 11A.020(1)(b)(c) and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:
 - ***
 - (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
 - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
 - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

COUNT III

George “Doug” Begley, during his course of employment as Agricultural Inspector I, Office of Consumer and Environmental Protection, Department of Agriculture, used or attempted to use any means to influence a public agency in derogation of the state at large, used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, during the course of his employment with the Department, Begley, while on state time and while using his assigned state vehicle, performed activities relating to his private logging business. In doing so, Begley abused state time and resources that were assigned to him.

These facts constitute violations of KRS 11A.020(1)(b), (c), and (d).

KRS 11A.020(1)(b)(c) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

- (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
- (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
- (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

COUNT IV

George “Doug” Begley, during his course of employment as Agricultural Inspector I, Office of Consumer and Environmental Protection, Department of Agriculture, used or attempted to use any means to influence a public agency in derogation of the state at large, used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large, and failed to notify his appointing authority of his outside employment.

Specifically, during the course of his employment with the Department, Begley maintained a private logging business about which he not only failed to inform the Department, but falsely denied to the Department that he was involved in any outside employment activities whatsoever.

These facts constitute violations of KRS 11A.020(1)(b), (c), and (d) and KRS 11A.040(10).

KRS 11A.020(1)(b)(c) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

- (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
- (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;
or
- (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

KRS 11A.040(10) provides:

- (10) Without the approval of his appointing authority, a public servant shall not accept outside employment from any person or business that does business with or is regulated by the state agency for which the public servant works or which he supervises, unless the outside employer's relationship with the state agency is limited to the receipt of entitlement funds.

COUNT V

George “Doug” Begley, during his course of employment as Agricultural Inspector I, Office of Consumer and Environmental Protection, Department of Agriculture, used or attempted to use any means to influence a public agency in derogation of the state at large, used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he

is using his official position to further his professional or private interest.

Specifically, during the course of his employment with the Department, Begley attempted to use his official position as a means to avoid a citation from the Department of Forestry for logging activities being conducted by his private business over which he was fraudulently acting as the onsite Master Logger, while on state time and using his assigned state vehicle.

These facts constitute violations of KRS 11A.020(1)(b), (c), and (d) and KRS 11A.020(2).

KRS 11A.020(1)(b)(c) and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:
 - ***
 - (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
 - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;
or
 - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

KRS 11A.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

(End of document)